

REMARKS/DISCUSSION:

This Amendment A is being filed within three months after the shortened statutory period for response that ended on March 23, 2006. Accordingly, a Petition for a Three-Month Extension of Time is included with the transmittal letter filed herewith.

By this Amendment A, claims 1, 2, 4, 5, 8 and 10-15 are pending in this application. Claims 3, 6, 7 and 16-21 have been withdrawn, and claim 9 has been canceled.

Amendment and/or cancellation of claims is not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 9, 10 and 12-15 stand rejected as being anticipated by U.S. Patent No. 6,745,764 to Hickie as stated in the office action. Independent claims 1, 12 and 15 have been amended to incorporate the subject matter of now canceled claim 9 and claim 10 has been amended to be dependent upon claim 1.

Applicants respectfully transverse the Examiner's rejection of the claims over Hickie because, according to Applicant's understanding, the Hickie reference neither teaches nor suggests the elements of the Applicant's invention. Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim, and the elements must be arranged as required by the claim.

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Under this standard, Applicant submits that Hickle et al. fails to anticipate amended independent claims 1, 12 and 15, which now recite wherein the controller generates a feedback signal which is communicated to the patient when the hand grip response from the patient meets a predetermined criteria. The Examiner stated that Hickle discloses such element at col. 21, lines 45-49. Nowhere, however, is there any disclosure that the controller provides a feedback signal *back* to the patient that the patient response met a predetermined criteria.

For the foregoing reasons, the remaining dependent claims are also not anticipated by the Hickle reference. Reconsideration is requested.

Rejection under 35 U.S.C. § 103(a)

Claims 5, 8 and 11 stand rejected as being unpatentable over Hickle in view of Symser et al. (5,904,639). Based upon on the previous discussions, neither Hickle nor Symser, alone or in combination, disclose or suggest the claimed invention. Reconsideration is requested.

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Conclusion

Applicants submit that in view of the discussion, the rejections under 35 U.S.C. §§ 102 and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-5030/VEK.

Respectfully submitted,

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